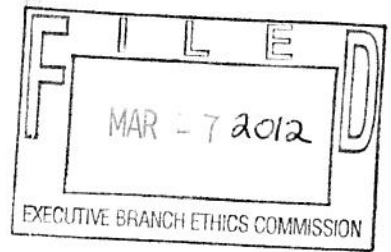


**COMMONWEALTH OF KENTUCKY  
EXECUTIVE BRANCH ETHICS COMMISSION  
AGENCY NO. 08-020  
ADMINISTRATIVE ACTION NO. 08-EBEC-0341**



EXECUTIVE BRANCH ETHICS COMMISSION

COMPLAINANT

vs.

**FINDINGS OF FACT, CONCLUSIONS OF LAW,  
RECOMMENDED ORDER AND NOTICE OF APPEAL RIGHTS**

JAMES D. WOOTON

RESPONDENT

\* \* \* \* \*

An Administrative Hearing was held in this matter on December 8, 2011. The Complainant, Kentucky Executive Branch Ethics Commission, was represented by Kathryn H. Gabhart, General Counsel, with John Steffen, Executive Director, as Co-Counsel. The Respondent, James D. Wooton, was represented by Luke Morgan, McBrayer McGinnis Leslie & Kirkland, and Bobby H. Richardson, Richardson Gardner Barrickman & Alexander. The Hearing was presided over by Susan S. Durant, Hearing Officer, Administrative Hearings, Office of the Attorney General. JoJuana Leavell-Greene, Human Resources Branch Manager for PVA Administrative Support, Department of Revenue, and James D. Wooton, Property Valuation Administrator for Leslie County, testified in person. The testimony of Jill LeMaster, currently an employee of the Kentucky Auditor of Public Accounts, formerly the Executive Director of the Kentucky Executive Branch Ethics Commission, and Bill Alward, Muhlenberg Property Valuation Administrator, and formerly President of the PVA Association, which was given telephonically in a previous hearing, was stipulated into the record as if given during this hearing.

The issue in this matter is whether James D. Wooton as PVA of Leslie County violated KRS 11A.020(1)(c) by using his official position or office to obtain financial gain for his daughter, Mara Wooton, when he hired her as a seasonal or part-time General Deputy Trainee or General Deputy on five occasions in 2006, 2007, and 2008 in the Leslie County PVA Office. It

is concluded that James D. Wooton did violate the cited statute.

### **BRIEF PROCEDURAL BACKGROUND**

1. The procedural background for Administrative Actions 08-EBEC-0334 through 08-EBEC-0344 are all the same. The Findings of Fact, Conclusions of Law, and Recommended Order vary according to the evidence presented at the Hearing in each case and the legal arguments made in each case. Three of the cases ultimately settled without a hearing.

2. On October 7, 2008, an Initiating Order was filed in this matter by the Executive Branch Ethics Commission. The Initiating Order in regard to James D. Wooton was one of eleven initiating orders charging various Property Valuation Administrators (PVAs) throughout the Commonwealth with violating KRS 11A.020(1)(c). The charged statute states:

(1) No public servant, by himself or through others, shall knowingly:

....

(c) Use his official position or office to obtain financial gain for himself or any member of the public servant's family.. . .

All of the PVAs were charged with violating the Executive Branch Code of Ethics because they employed and/or promoted members of their families.

3. On October 30, 2008, Wooton, along with the other PVAs, filed an Answer to the Initiating Order. On December 2, 2008, the PVAs, who were all represented by the same two attorneys, filed an Agreed Order Holding Administrative Actions in Abeyance.

4. The administrative actions were stayed while the PVAs prosecuted a declaratory judgment action in Franklin Circuit Court. In that action the PVAs asserted that they were not "public servants" or "officers" as defined in KRS 11A and thus were not subject to the jurisdiction of the Executive Branch Ethics Commission. The Franklin Circuit Court judge agreed that the Executive Branch Code of Ethics did not apply to PVAs. The Executive Branch Ethics Commission appealed the Franklin Circuit Court judgment to the Kentucky Court of

Appeals. On June 18, 2010, the Court of Appeals in an unanimous decision reversed the Franklin Circuit Court judgment. *See, Kentucky Executive Branch Ethics Commission v. Atkinson*, 339 S.W.3d 472 (Ky. App. 2011). On June 9, 2011, the Kentucky Supreme Court denied discretionary review.

5. On June 13, 2011, Franklin Circuit Court issued an Order of Dismissal that lifted the abeyance of this administrative action. On July 26, 2011, the individual PVA disciplinary actions began to move forward.

### **FINDINGS OF FACT**

6. James D. Wooton initially became Leslie County PVA on May 1, 1975, and served until December, 1993. He was succeeded in office as PVA by one of his sisters who served until December, 2002. During his sister's administration he worked under her from 1994-1999. In 2002 when his sister left office, Wooton was elected to begin his second stint as Leslie County PVA. Transcript of the hearing at pp. 82-83. (Hereinafter cited as Tr. at \_\_.)

7. In June, 2006, Wooton sent in a Request for Payroll Action (RPA) to the PVA Support Branch in the Revenue Cabinet recommending that Mara L. Wooton be hired from June 12, 2006, until August 15, 2006, as a General Deputy Trainee. Mara is the daughter of James Wooton. At the time she was 20 years old and thus could not become an actual deputy in the PVA Office until she was 21. Mara's pay grade was 7 based on her education as a high school graduate with 56 hours of college. She was appointed as a part-time seasonal employee earning \$8.75 an hour. Exhibit 1 to the Hearing. (Hereinafter cited as Ex. \_\_.)

8. Wooton testified that Mara's qualification for the job came from helping around the office under his sister's and his tenure as PVA. Tr. at 85. He did not consider anyone else for the position. Tr. at 76. As a college student home on vacation, Mara lived either with him or her

grandmother. Tr. at 78. At least through 2007, Mara was considered to be a dependent of Wooton's. Ex. 16-19.

9. The RPAs in Mara Wooton's file reflect her vacation employment during 2006-2008:

Summer, 2006, General Deputy Trainee, part-time seasonal, 2 months, Grade 7, \$8.75/hour, Ex. 1, 3.

Christmas break, 2006, General Deputy, seasonal, 18 days, Grade 7, \$8.98/hour, Ex. 4, 5.

Summer, 2007, General Deputy, part-time, 3 months, Grade 7- 7/3, \$8.98-9.28/hr, Ex. 6, 7, 8.

Christmas break, 2007, General Deputy, part-time seasonal, 3 weeks, Grade 7/3, \$9.28/hr. Ex. 9, 10.

Summer, 2008, General Deputy, seasonal, 3 months, Grade 7/3, \$9.28/hr. Ex. 11, 12, 13.

10. Mara's pay increase in the summer of 2007 was the result of the Governor's Wage Equity Program. Ex. 7. The increase was non-discretionary.

11. Wooton testified that when he received his "new PVA" training in 2002 he thought there was a segment on Executive Ethics but he recalled nothing about a prohibition against hiring family members. Ex. 20. Beginning in 2004 he filled out and returned a Statement of Financial Disclosure to the Executive Branch Ethics Commission each year. Ex. 16-19. He testified, however, that he first heard that the Executive Branch Ethics Commission considered it improper for PVAs to hire family members was in late December, 2006, or early 2007. The context of the information was a new hiring form that the Finance and Administration Cabinet was going to impose on PVAs. Tr. at 81.

12. The form that Wooton mentioned was the subject of a vigorous exchange of letters between Bill Alward, PVA Muhlenberg County, who was President of the Kentucky PVA Association, and Wesley Salyer, Executive Director of the Division of Local Government Services in the Finance and Administration Cabinet. Ex. 22, 23. The form was essentially an attempt to have PVAs come into compliance with Executive Branch Ethics Advisory Opinion

04-34 by certifying that a job applicant is not a member of the PVA's family. Ex. 22.

13. On March 29, 2007, Alward wrote,

The PVA's are put in a very unique position of being locally elected, but having to take some level of guidance from staff in Frankfort. This uniqueness, however, does not mean the PVA's may be treated differently than other agencies associated with state government. And at the end of the day, that is all we are asking for – to be treated the same of everyone else.

Alward advised all PVAs not to use the new form. He copied his letter to "All Property Valuation Administrators." Ex. 22.

14. On April 5, 2007, Salyer responded:

No matter how unique the PVA office may be, under Kentucky law the PVA being part of the Executive Branch of state government is subject to oversight by the Ethics Commission and their opinions as well as by the Commissioner of Revenue.

Salyer also suggested that if the PVAs thought they were being wronged, he would "strongly suggest that you take this up with the Ethics Commission." He also copied his letter to all PVAs.

Ex. 23. [Emphasis in original.]

15. Wooton testified that his reaction to the issue about the new hiring form was to read KRS 132.590 which said that he could hire anyone over 21. He talked to one or two lawyers. And, no one told him directly that he could not hire Mara. Also, Mara "was experienced and there was work to be done." Tr. at 90.

16. Thus when Wooton hired Mara for the summer of 2007, Christmas break of 2007, and the summer of 2008, he knew that the Ethics Commission would consider him in violation of KRS 11A.020(1)(c). But, it is to be noted that the Finance and Administration Cabinet reversed its decision and reverted to a form that it had used previously. So when Mara Wooton was hired in May, 2007, she merely certified that she had read the Guide to the Executive Branch Code of Ethics. Ex. 14. Wooton was not required to certify anything about his new hire's relationship to

him.

## CONCLUSIONS OF LAW

17. KRS 11A.020 provides:

(1) No public servant, by himself or through others, shall knowingly:

....

(c) Use his official position or office to obtain financial gain for himself or any member of the public servant's family.. . .

The provision, as part of the Executive Branch Code of Ethics, became effective on July 14, 1992, and has not been amended subsequently.

18. In his closing argument, Wooton argued initially that he did not violate the statute because he did not "use his official position or office" for the benefit of Mara Wooton. James Wooton placed the blame for Mara's appointment squarely on the Department of Revenue referring to "Revenue's obligation to be the gate-keeper of PVAs personnel decisions," "the Respondent did not hire Mara, Revenue did," and "Revenue is the sole arbiter of this hiring decision." Respondent's Proposed Recommendations of Law at 3- 4. (Hereinafter cited as Resp. at \_\_.)

19. KRS 132.590(8), which is cited by the Respondent, indicates that the PVA "appoints" employees, who "may be removed at the pleasure of the property valuation administrator." The Fiscal and Personnel Administration Office of Property Valuation Administrator handbook, Ex. 2, which originated through a conference of PVAs, states: "**All employees serve at the pleasure of their respective PVA, and are at will, unclassified, non-merit, non-P1 state employees.**" Ex. 2 p.6. [Emphasis in original.]

20. As Leavell-Greene explained, in regard to Revenue's role concerning PVA employees:

The PVA would, in this case, appointment, he will look at the candidates in his

office or in his county that he wants to hire for the position. He recommends the employee. He recommends the grade. He recommends if it's going to be full-time, part-time or seasonal. And, at that point we take this application, and make a determination if that person qualifies for the grade, the salary and then I approve it.

Tr. at 23-24. Leavell-Greene does not review family relationships in regard to Requests for Personnel Action. Tr. at 65-66. Revenue is not the enforcer of the Executive Branch Code of Ethics. It is the Executive Branch Ethics Commission who enforces the Code. KRS 11A.080; KRS 11A.100.

21. The second flaw in the statutory charge according to Wooton is that "financial gain" must be "unwarranted or in conflict with the interests of the public at large." Resp. at 6. Initially, it must be observed that the policy behind the Code of Ethics begins:

It is the public policy of this Commonwealth that a public servant shall work for the benefit of the people of the Commonwealth. The principles of ethical behavior contained in this chapter recognize that public office is a public trust and that the proper operation of democratic government requires that:

(a) A public servant be independent and impartial;

....

(c) A public servant not use public office to obtain private benefits; and

(d) The public has confidence in the integrity of its government and public servants.

KRS 11A.005(1). Justice Stephens' concurrence in *Caudill v. Judicial Ethics Committee*, 986 S.W. 2d 435 (Ky. 1999), which is favorably referenced by Wooton, appears to be especially useful in the context of this matter. The problem with financial gain connected with nepotism, which is a particular form of favoritism, is, as Justice Stephens, concluded:

The evil that I believe anti-nepotism provisions are designed to combat is the appearance of impropriety which has the inevitable effect of undermining the public's trust in a given institution.

*Id.*, at 439. As the Complainant Commission has emphasized, what is at issue is not Mara Wooton's qualifications or her compensation, it is the favoritism in which an employee was hired



because of a family relationship. As Wooton's testimony indicated, PVA offices can almost become hereditary fiefdoms. The Leslie PVA Office has been in the hands of the same family for over 35 years with other family members working as employees. A second sister of James, who was hired by his PVA sister, was still a deputy in the Office until 2011. Ex. 15; Tr. at 92. As Bill Alward testified, Tr. at 164, when he became PVA in 1989 he was advised to hire family members:

And, that I think the general gist was that we were a small office and we were like a small business in America, and that's built on family business and that's kind of the way we operated.

22. Wooton also raised as an affirmative defense "Violation of the doctrine of *stare decisis*." According to *Black's Law Dictionary*, Seventh Edition, *stare decisis* is: "The doctrine of precedent, under which it is necessary for a court to follow earlier judicial decisions when the same points arise again in litigation." Wooton argues that the Ethics Commission violated *stare decisis* because Advisory Opinion 93-94 stated that KRS 11A.020 (1)(c) contained no prohibition to the employment of family members and Advisory Opinion 04-34 stated that KRS 11A.020 (1)(c) prohibited such employment.

23. In the first year of its existence, the Executive Branch Ethics Commission, under the authority of KRS 11A.110(1) issued Advisory Opinion 92-10 which concluded that PVAs were covered by the Executive Branch Code of Ethics. Advisory Opinion 93-24 then followed in response to a query as to whether the Executive Branch Code of Ethics "disallowed" PVAs' employing relatives. Advisory Opinion 93-24 stated "the Executive Branch Code of Ethics does not specifically prohibit the employment of relatives in PVA offices. However. . . ." [Emphasis added.] The Commission then cited KRS 11A.020(1)(a) and (c) and concluded: "The Commission envisions certain circumstances where conflicts of interest could arise under such



employment. The Commission encourages your agency to follow policies to avoid any real or perceived conflict of interest in this area.” In short, the Commission did not state that the Code prohibited nepotism, but it did warn that employing family members could create conflicts of interest. Advisory Opinion 93-24 seemed to issue a “word to the wise,” the Commission knowing, as did Wooton and Leavell-Greene, that many PVAs traditionally had family members in their offices.

24. In its post-hearing closing the Ethics Commission agreed that Advisory Opinion 93-24 did state that family members could work in the same office—but family favoritism would not be permitted. A PVA could create a conflict of interest by hiring members of his own family. The Opinion indicated that family members already employed in an office could remain.

25. On September 30, 2004, the Commission on its own motion again took up the issue of family members being employed in the same state agency as a public servant. The occasion was recent investigations within the Department of Parks which revealed that Parks and other state agencies needed further guidance. Advisory Opinion 04-34 again recited KRS 11A.020(1) and then proceeded to more explicitly set out problem areas:

[T]he Commission believes that KRS 11A.020(1)(a), (c) and (d) serve to prohibit a public servant from advocating or influencing in any way the employment, appointment, promotion, transfer, advancement of a member of the public servant’s family to an executive branch position of employment that the public servant directly supervises or manages.

Specifically, employees should not be involved in interviewing, recommending, or approving family members for positions within their employing agencies . . . .

26. Jill LeMaster, who was the Executive Director of the Executive Branch Ethics Commission from 1993 until May 31, 2008, testified in response to a question about the difference between Advisory Opinion 93-24 and Advisory Opinion 04-34: “I don’t believe it’s a change. I believe the original opinion just said that the statute doesn’t specifically spell out the

prohibition.” Tr. at 103. LeMaster stated that the Commission always thought that public servants should not give an advantage to family members.

27. On July 29, 2007, the Ethics Commission issued Advisory Opinion 07-19 which reviewed nepotism under the Code of Ethics and amended Advisory Opinion 04-34. The Opinion stated that Advisory Opinion 04-34 pointed out that KRS 11A.020(1)(a), (c), and (d) prohibited advocating or influencing employment actions in regard to family members. The Opinion then took up the persistent problem of how to deal fairly with family members who were already under the supervision of a family member and had been for many years. The Opinion reiterated that since Advisory Opinion 04-34, public servants should not have been involved in the employment, supervision, or promotion of family members.

28. Advisory Opinion 07-19 urged a layer of supervision between a family member and a public servant to remove as much potential for conflict as possible. Wooton pointed out that Mara had a layer of supervision between herself and her father as the PVA. The Hearing Officer finds, however, that because the PVA wields all of the authority in regard to personnel decisions and because the Office in Leslie County had only five employees, there was no effective barrier to a conflict of interest.

29. Thus, the advisory opinions have not been uniformly hard-nosed about conflicts of interest in the form of nepotism in regard to public servants but they have consistently said that public servants’ employing, promoting, and supervising their family members created conflicts of interest. The Advisory Opinions started out gently in their warnings in 93-24; became quite firm in 04-34; and then relented a bit in 07-19 in regard to previously employed family members. LeMaster stated that the Commission’s Opinions and enforcement were always reactive rather than proactive, because the Commission had only 5-6 employees. Tr. at 124.

30. Although it is useful to point out that the advisory opinions wavered a bit in the firmness with which they dealt with family members in the same office with a public servant, *stare decisis* is not relevant to this matter. Advisory opinions are just “opinions.” They offer guidance; they are not judicial precedents established through litigation.

31. Wooton also offered as an affirmative defense “Violation of the Doctrine of Contemporaneous Construction.” This doctrine used in this context is quite similar to *stare decisis*. The doctrine as defined in *Hagan v. Farris*, 807 S.W.2d 488, 490 ( Ky., 1991) means that “In most cases, an agency’s interpretation of its own regulations is entitled to substantial deference. ... A construction of a law or regulation by officers of an agency continued without interruption for a long period of time is entitled to controlling weight.” In this instance, advisory opinions are used as interpretations or regulations according to Wooton. Therefore, because of contemporaneous construction, as stated in *In re Hughes & Coleman*, 60 S.W.3d 540, 543 (Ky., 2001): “An agency changing its course must supply a reasoned analysis indicating that prior policies and standards are being deliberately changed, not casually ignored . . . .”

32. The Hearing Officer, as previously stated, concludes that the focus of the nepotism opinions shifted slightly but there was no significant contradiction. Advisory Opinions 93-24, 04-34, and 07-19 were rational elaborations that provided a chain of coherent advice.

33. The final legal argument made by Wooton seemed to be that the Commission had violated KRS 13A.120 by issuing unauthorized guidance concerning conflicts of interest and nepotism in the advisory opinions and by not promulgating specific anti-nepotism regulations. KRS 11A.110 (1) clearly gives the Commission the authority to “issue and publish advisory opinions on the requirements of this chapter for those who wish to use the opinions to guide their own conduct.” Wooton also suggested that OAG Opinion 88-15 which found “no specific

authorizing regulation for the Personnel Commissioner and the Personnel Board to promulgate regulations concerning nepotism,” somehow prohibited the Executive Branch Ethics Commission from concerning itself with nepotism. The Hearing Officer does not find it persuasive to argue that because the Personnel Board or the Personnel Commission cannot promulgate regulations against nepotism, the Legislature could not give the statutory authority to another administrative body to deter conflicts of interest or favoritism in the form of nepotism in the executive branch of the state government.

34. The statutes that are cited by Wooton as being permissible anti-nepotism statutes are concerned with members of electric and water plants of third-class municipalities (KRS 96.172), members of boards of trustees of state universities (KRS 164.225), local school boards (KRS 160.180), school councils for school-based decision making (KRS 164.345), and school superintendents and principals (KRS 160.380). These statutes support the view that the Commonwealth has wide reaching concerns about the nefarious impact of nepotism on the local as well as the state level.

35. Further, the above-cited statutes indicate that nepotism can be dealt with through statutes and does not require regulations. *Hagan v. Farris*, 807 S.W.2d 488 (Ky., 1991), and *Department of Education v. Gobert*, 979 S.W. 2d 922, 926 (Ky., 1998), are relied upon by Wooton for the proposition that regulations are essential to interpret KRS 11A.020 (1)(c). However, those cases most firmly stand for the proposition that regulations cannot contradict statutes. Regulations may be used to “flesh out” statutes but KRS 11A.020(1)(c) does not suffer from any vagueness problems.

36. Finally, Wooton offered Governor Steven Beshear’s Executive Order of June 2, 2008, as a standard against which to judge the arbitrariness of the Commission’s actions in

charging Wooton with violating KRS 11A.020(1)(c). That Executive Order stated that it is the Commonwealth's policy to provide equal employment opportunities to all people without discrimination because of race, color...ancestry...." The Hearing Officer concludes that this broad affirmative policy set out in an Executive Order opens the doors of opportunity to all within the state. The practice of nepotism means that the door keeper only lets those related by birth or marriage enter the door of opportunity. The Commission's view of KRS 11A.020(1)(c) supports public trust, impartiality, and the integrity of public servants. It compliments the Executive Order of June 2, 2008.

37. Wooton's contrast of KRS 11A.020 (1)(c)'s ethical injunction against a public servant using his office to obtain financial gain for himself or any members of his family with KRS 132.590 (8) concerning the personnel classification system for PVA deputies and KRS 18A.110(5) concerning the Personnel Secretary's authority to promulgate regulations is not convincing as a constitutional argument. Nor is Advisory Opinion 07-19 an *ex post facto* law.

38. It is to be stressed that this case was brought under KRS 11A.020 (1)(c)—no Advisory Opinion was cited in the Initiating Order. The Advisory Opinions are useful in providing guidance, but the foundation of the complaint against Wooton is the statute. The evidence presented at the Hearing is that Wooton hired his daughter five times for the Leslie County PVA Office. The last three times were after Wooton had been informed in the Alward-Salyer correspondence that both the Finance and Administration Cabinet and the Executive Branch Ethics Commission considered it unethical for PVAs to hire family members. Wooton apparently consulted only his personal experience and self-interest in hiring Mara. There was no evidence that Mara was not rehired because of any ethical concerns. Ultimately Wooton did join with other PVAs in defense of his view of PVA ethical autonomy.

39. The statute states: “ No public servant, by himself or through others, shall knowingly . . . use his official position or office to obtain financial gain for himself or any member of the public servant’s family.. . .” The evidence presented at the Hearing was clear and convincing that Wooton knowingly used his position as PVA to obtain financial gain for Mara Wooton. James D. Wooton should henceforth not hire or promote family members as employees in the Leslie County PVA Office. He should post a copy of KRS 11A.020 prominently in a public place in the office as a reminder of the law. Because Wooton relied heavily on his pre-Executive Branch Ethics Code experience and because he was ignorant of the law during the initial hiring periods, he should pay a slightly reduced penalty of \$4,000.

#### **RECOMMENDED ORDER**

On the basis of the above Findings of Fact and Conclusions of Law, it is recommended that James D. Wooton be ordered to henceforth obey KRS 11A.020(1)(c); to post a copy of KRS 11A.020 prominently in a public place in his office as a reminder of the law; and to pay a civil penalty of \$4,000 to the Executive Branch Ethics Commission.

#### **NOTICE OF EXCEPTION AND APPEAL RIGHTS**

Pursuant to KRS 13B.110 (4) you have the right to file exceptions to this recommended decision:

(4) A copy of the hearing officer’s recommended order shall also be sent to each party in the hearing and each party shall have fifteen (15) days from the date the recommended order is mailed within which to file exceptions to the recommendations with the agency head.

In order to preserve a right to review by the circuit court, case law requires that a litigant must file exceptions with the board or agency if there is anything in the recommended order with which a party does not agree and desires to appeal.

You have a right to appeal the Final Order of the agency pursuant to KRS 13B.140 which reads in part:

(1) All final orders of an agency shall be subject to judicial review in accordance with the provisions of this chapter. A party shall institute an appeal by filing a petition in the Circuit Court of venue, as provided in the agency's enabling statutes, within thirty (30) days after the final order of the agency is mailed or delivered by personal service. If venue for appeal is not stated in the enabling statutes, a party may appeal to Franklin Circuit Court or the Circuit Court of the county in which the appealing party resides or operates a place of business. Copies of the petition shall be served by the petitioner upon the agency and all parties of record. The petition shall include the names and addresses of all parties to the proceeding and the agency involved, and a statement of the grounds on which the review is requested. The petition shall be accompanied by a copy of the final order.

Pursuant to KRS 23A.010(4), "Such review [by the Circuit Court] shall not constitute an appeal but an original action." The Court of Appeals has suggested that an appeal to circuit court is commenced upon the filing of the appeal petition and the issuance of a summons within the 30-day time period for filing an appeal.

SO ORDERED this *7th* day of March, 2012.



SUSAN S. DURANT  
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# CERTIFICATE OF SERVICE

I hereby certify that the original of this ORDER was mailed this 7th day of March, 2012, by messenger mail, to:

DEBBIE BRISCOE  
EXECUTIVE ASSISTANT  
EXECUTIVE BRANCH ETHICS COMM  
#3 FOUNTAIN PLACE  
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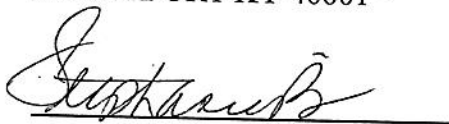
for filing; and a true copy was sent by first-class mail, postage prepaid, to:

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